

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANNETTE BLANCHARD,

Plaintiff,

v.

HSBC BANK, USA NATIONAL
ASSOCIATION (As Trustee for Fremont
Home Loan Trust 2005-D); PHH
MORTGAGE CORPORATION;
MCCARTHY & HOLTHUS, LLP (As
Trustee for the non-judicial foreclosure
sale),

Defendants.

CASE NO. C20-00192-RAJ

ORDER

I. INTRODUCTION

This matter comes before the Court on Defendants' Motions for Dismissal. Dkt. ## 13, 14. Plaintiff failed to file a response to the motion noted for April 17, 2020. Having reviewed the record, the Court **GRANTS** the motion.

II. BACKGROUND

Plaintiff Annette Blanchard filed this action against Defendants HSBC Bank, USA National Association ("HSBC"), PHH Mortgage Corporation ("PHH"), and McCarthy &

Holthus, LLP, (collectively, “Defendants”) in the Superior Court of King County (“state court”) on December 24, 2019. Dkt. # 1-1. Ms. Blanchard asserted eleven causes of action related to the mortgage and initiation of foreclosure of her real property located at 5412 25th Avenue S., Seattle WA 98108. Dkt. # 1-1. She failed to serve Defendants in the state court action. Dkt. # 1 at 2. Nevertheless, Defendants became aware of the action and timely filed a notice for removal to this Court pursuant to 28 U.S.C. § 1332. *Id.* at 5. On March 26, 2020, Defendants HSBC and PHH filed a motion to dismiss, Dkt. #13, which was joined by Defendant McCarthy & Holthus. Dkt. ## 13, 14. Ms. Blanchard failed to respond.

Ms. Blanchard’s actions—both in filing suit and failing to respond to briefing—reflect her history of duplicative litigation in this Court. Her prior litigation includes five federal lawsuits, four attempts to declare bankruptcy, and an appeal to the Ninth Circuit all based on the same matter and against the same or related defendants. *See Blanchard v. Fremont Inv. & Loan*, No. C18-1754RSM, 2019 WL 1453577, at *4 (W.D. Wash. Apr. 2, 2019), *appeal dismissed*, No. 19-35440, 2019 WL 3941099 (9th Cir. July 9, 2019). In her last suit against HSBC and associated defendants centering on the same allegations as here, the Honorable Chief Judge Martinez dismissed her case with prejudice and entered a vexatious litigant order (“Order”) against her. *Id.* The Order constrains Ms. Blanchard’s scope of actions accordingly:

Plaintiff Annette Blanchard is barred from filing any future actions against Defendants, their associated entities, and agents; relating to the origination, servicing and foreclosure of Plaintiff’s real property located at 5412 25th Avenue S., Seattle, WA 98108, without first obtaining an order from this Court permitting her to do so. If Ms. Blanchard fails to comply with the conditions of this Order, she may be subject to sanctions from this Court.

Id.

1 The Order is narrowly tailored to bar Ms. Blanchard “from suing *these* Defendants
2 concerning *this* property, not lawsuits brought for other reasons or against other parties.”
3 *Id.* (emphasis in original). The defendants covered in the Order include HSBC, as well as
4 Fremont Investment & Loan, Fremont Mortgage Securities Corporation, and others. *Id.*
5 at *1. Defendants here are HSBC, which was a party to the Order, and its agents: PHH
6 services the loan on behalf of HSBC, and McCarthy v. Holthus, LLP, the law firm
7 retained by PHH to execute the judicial foreclosure on behalf of HSBC. Dkt. # 13 at 9.
8 The property at issue in *Blanchard v. Fremont Inv. & Loan* is the same property at issue
9 here: real property located 5412 25th Avenue S., Seattle, Washington, 98108. *See id.*;
10 Dkt. # 1-1 at 2. All of Ms. Blanchard’s allegations here relate to the origination,
11 servicing, and foreclosure of this property. *Id.* at 3-20.

14 The Order thus applies here and bars Ms. Blanchard from pursuing this action.
15 Ms. Blanchard’s failure to seek leave of the Court to argue against the motion or explain
16 why she should not be barred from doing so leaves the Court no choice but to dismiss the
17 action pursuant to the Order. And, although Ms. Blanchard filed her action in state court,
18 it was properly removed by Defendants and is now before this Court. Dkt. # 1.
19 Concluding that the claim must be dismissed pursuant to the Court’s Order, the
20 undersigned need not address Defendants’ additional arguments for dismissal.

23 ///

24 ///

25 ///

26 ///

27 ///

1 For the foregoing reasons, this Court **GRANTS** Defendants' motion to dismiss
2 with prejudice.

3
4 Dated this 19th day of October, 2020.

5
6 

7 The Honorable Richard A. Jones
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27